IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 17313 of 2007(J)

PETITIONER:

P.BALAN, S/O.KUNHAPPU, AGED 65 YEARS,
VINAYAK NIVAS, ONAPARAMBU, CHIRAKKAL P.O.,
KANNUR- 670 001.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENTS:

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1. THE CHERUKUNNU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, CHERUKUNNU
GRAMA PANCHAYATH, KANNUR DISTRICT.

2. THE PRESIDENT, CHERUKUNNU GRAMA
PANCHAYATH, KANNUR DISTRICT.

3. THE VICE-PRESIDENT,
CHERUKUNNU GRAMA PANCHAYATH, KANNUR DISTRICT.

4. SHAJI, CHAIRMAN,
SAI BABA ROAD DEVELOPMENT COMMITTE,
CHERUKUNNU GRAMA PANCHAYATH, KANNUR DISTRICT.

5. THE SUB INSPECTOR OF POLICE,
KANNAPURAM POLICE STATION.

BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
SRI.GEEN T.MATHEW
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER AND OTHER RESIDENTS BEFORE THE 2ND RESPONDENT DTD. 19-2-07

EXT.P2 TRUE COPY OF A ROUGH SKETCH OF THE LOCATION.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 17313 OF 2007

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Dated this the 3rd day of August, 2007

JUDGMENT

Petitioner has approached this court praying for a direction to respondents 1 to 4 to refrain from forcibly seizing the property of the petitioner for road widening, except in accordance with due process of law. There is a further prayer for a direction to the first respondent to consider the grievance of the petitioner and other signatories in Ext.P1, in accordance with law, after hearing all affected parties.

2. Case of the petitioner in brief is that in collusion with private individuals without resorting to the process under the Land Acquisition Act respondents 1 to 4 are attempting to widen the road which has a width of approximately 3 metres.

3. Counter affidavit is filed on behalf of the Panchayat wherein it is stated that the width of the road is about 4 metres.

4. I heard learned counsel for the parties.

There cannot be any dispute that the person cannot be

deprived of the property except in the manner provided in law. There will be a direction to respondents 1 to 3 that they will not forcibly deprive the petitioner of any property in his possession. Of course, it is open to the respondents to seek to deprive the petitioner of the property in accordance with law. As regards the relief against the 4th respondent is concerned, I feel that it is open to the petitioner to seek relief against him in the appropriate forum.

(K.M.JOSEPH, JUDGE)

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